

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

VIRGINIA AT CHARLOTTESVILLE

MICHAEL DONALDSON

EXHIBIT AND WITNESS LIST

V.

TRAE FUELS, LLC, et al.

Case Number: 3-18-cv-00097

| PRESIDING JUDGE Hon. Glen Conrad, Senior USDJ | | | | | PLAINTIFF'S ATTORNEY Jarrett/Wallace | DEFENDANT'S ATTORNEY Liebeler/Williamson |
|--|-------------|-----------------|--------|----------|---|---|
| TRIAL DATE (S) 01/22/2020 - 01/24/2020 | | | | | COURT REPORTER JoRita Meyer | COURTROOM DEPUTY Susan Moody |
| PLF. NO. | DEF. NO. | DATE OFFERED | MARKED | ADMITTED | DESCRIPTION OF EXHIBITS* AND WITNESSES | |
| 1 | | 1/22/2020 | Yes | Yes | 5/30/14 Email from Donaldson to Whyrick re Decond Opinions (73) | Donaldson |
| 2 | | 1/22/2020 | Yes | Yes | 8/20/14 Note to Donaldson, Frink and Aleman by Frink (38) | Donaldson |
| 3 | | 1/22/2020 | Yes | Yes | 4/24/14 Email from Whyrick to Donaldson Re Trae Financials to UMB (106) | Donaldson |
| 4 | | 1/22/2020 | Yes | Yes | 5/29/14 Email from Whyrick to Donaldson in re UMB Line of Credit (42) | Donaldson |
| 5 | | 1/22/2020 | Yes | Yes | 5/29/14 Email from Donaldson to Riccardo @ecopellet.it (52) | Donaldson |
| 6 | | 1/22/2020 | Yes | Yes | 6/3/14 Email from Donaldson to Russell re Line of Credit Advance (44) | Donaldson |
| 7 | | 1/22/2020 | Yes | Yes | 6/16/14 Email from Donaldson to Brix re: Line of Credit (46) | Donaldson |
| 8 | | 1/22/2020 | Yes | Yes | 6/17/14 Email from Whyrick to Donaldson re:Trae Fuels Cash Position (47) | Donaldson |
| 9 | | 1/22/2020 | Yes | Yes | 7/3/14 Email from Whyrick to Millsre Capital Call (48) | Donaldson |
| 10 | | 1/22/2020 | Yes | Yes | 5/19/14 Email from Vannest to Donaldson re Costing Inventory Parts (54) | Donaldson |
| 11 | | 1/22/2020 | Yes | Yes | 2/13/14 Email from Donaldson to Frink re Cash Report as of 2/12/14 (62) | Donaldson |
| 12 | | 1/22/2020 | Yes | Yes | 1/24/14 Email from LaRocco to Donaldson re Trae Fuels Targeted Fiscal (89) | Donaldson |
| 13 | | 1/22/2020 | Yes | Yes | 4/16/14 Email from Donaldson to Whyrickre Break Even Analysis (103) | Donaldson |
| 14 | | 1/22/2020 | Yes | Yes | 8/4/14 Email from Donaldson to Aleman re Missed Deadline for Insurance (72) | Donaldson |
| 15 | | 1/22/2020 | Yes | Yes | 5/20/14 Email from Donaldson to Mills, Holiday, Frink re Jared Gammon (34) | Donaldson |
| 16 | | 1/22/2020 | Yes | Yes | 5/20/14 Email from Donaldson to Whyrick re Execuive Team Joint Mgmt (35) | Donaldson |
| 17 | | 1/22/2020 | Yes | Yes | 5/9/14 Email from Donaldson to Frink re Cash Flow from ESI (110) | Donaldson |
| 18 | | 1/22/2020 | Yes | Yes | 8/17/14 Email from Donaldson to Frink re Good Morning John (136) | Donaldson |
| 19 | | 1/22/2020 | Yes | Yes | 6/4/14 Employee Counseling Notice re: Michael Donaldson (58) | Donaldson |
| 20 | | 1/22/2020 | Yes | Yes | 2/20/14 Email from Milles to Donaldson & Frink re Neatconnect (39) | Donaldson |
| 21 | | 1/22/2020 | Yes | Yes | 12/19/13 Email from LaRocco to Donaldson re Internation Forest Prod (4) | Donaldson |
| 22 | | 1/22/2020 | Yes | Yes | 2/6/14 Email from LaRocco to Donaldson re Eco-Pellet Italy (6) | Donaldson |

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

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EXHIBIT AND WITNESS LIST – CONTINUATION

| MICHAEL DONALDSON vs. TRAE FUELS, LLC, et al. | | | | | CASE NO. 3-18-cv-00097 |
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| PLF. NO. | DEF. NO. | DATE OFFERED | MARKED | ADMITTED | DESCRIPTION OF EXHIBITS AND WITNESSES |
| 23 | | 1/22/2020 | Yes | Yes | 2/9/14 Email from Whyrick to Donaldson re Loss Control Visit by Phair (7) Donaldson |
| | | | | | *****END OF EVIDENCE DAY ONE***** |
| | 1 | 1/23/2020 | Yes | Yes | 1/31/14 Email from Aleman to Frink, Donaldson, Holliday & Whyrick re paperwork Donaldson |
| | 2 | 1/23/2020 | Yes | Yes | 2/24/14 Email from Donaldson to Aleman re Paycor - Benefit Elections J. Magner Donaldson |
| | 3 | 1/23/2020 | Yes | Yes | 8/4/14 Email from Aleman to Whyrick re Missed Deadline for Insurance Coverage Donaldson |
| | 4 | 1/23/2020 | Yes | Yes | 7/17/14 Email from Donaldson to Frink, Whyrick, LaRocco re Actual Case Flow July Donaldson |
| | 5 | 1/23/2020 | Yes | Yes | 7/21/14 Email from Donaldson to Frink Re Accounts Payabl actually paid Donaldson |
| | 6 | 1/23/2020 | Yes | Yes | 8/2/14 Email from Donaldson to Frink re Inventory Donaldson |
| 24 | | 1/23/2020 | Yes | Yes | 3/31/14 Email from Aleman to Donaldson & Holliday re: Ins Coverage (98) Donaldson |
| 25 | | 1/23/2020 | Yes | Yes | Email from Donaldson to Frink Walker re New Hire Paperwork (78) Donaldson |
| 26 | | 1/23/2020 | Yes | Yes | 3/20/14 Email from Aleman to Donaldson re Benefits K. S. (15) Donaldson |
| 27 | | 1/23/2020 | Yes | Yes | 1/21/14 Email from Donaldson to Nelson et al re Daily Production Logs (82) Donaldson |
| 28 | | 1/23/2020 | Yes | Yes | 5/5/14 Email from Donaldson to Frink (53) Donaldson |
| 29 | | 1/23/2020 | Yes | Yes | 5/27/14 Email from Whyrick to Holliday (22) Holliday |
| 30 | | 1/23/2020 | Yes | Yes | Defts' Discovery Response 5/17/19 (49) Whyrick |
| 31 | | 1/23/2020 | Yes | Yes | 7/13/14 Email from Whyrick to Russell (45) Whyrick |
| 32 | | 1/23/2020 | Yes | Yes | 5/20/14 Email re Line of Credit (41) Whyrick |
| 33 | | 1/23/2020 | Yes | Yes | 6/9/14 Email from Whyrick to Aleman (118) Whyrick |
| 34 | | 1/23/2020 | Yes | Yes | 7/3/14 Observations re Michael Donaldson by Whyrick (25) Whyrick |
| 35 | | 1/23/2020 | Yes | Yes | 5/27/14 Email from Vannest to Whyrick (113) Whyrick |
| 36 | | 1/23/2020 | Yes | Yes | 11/8/13 Email from Whyrick to Noth (8) Whyrick |
| 37 | | 1/23/2020 | Yes | Yes | 7/23/14 Email from Donaldson to Whyrick re : Meeting change Whyrick |
| | 7 | 1/23/2020 | Yes | Yes | 8/17/14 Email from LaRocco to Mills et al Whyrick |
| 38 | | 1/23/2020 | Yes | Yes | 7/22/14 Email from Vannest to Aleman re Inventory (28) Aleman |
| 39 | | 1/23/2020 | Yes | Yes | 2/10/14 Email from Aleman to Donaldson (85) Aleman |
| 40 | | 1/23/2020 | Yes | Yes | 6/17/14 Email from Frink to Aleman Aleman |
| 41 | | 1/23/2020 | Yes | Yes | 6/9/14 Email from Aleman to LaRocco (37) Aleman |

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EXHIBIT AND WITNESS LIST – CONTINUATION

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| PLF. NO. | DEF. NO. | DATE OFFERED | MARKED | ADMITTED | DESCRIPTION OF EXHIBITS AND WITNESSES |
| 42 | | 1/23/2020 | Yes | Yes | 1/9/14 Email from Aleman to Donaldson (11) Aleman |
| | 8 | 1/23/2020 | Yes | Yes | 6/21/14 Email from LaRocco to Whyrick & Aleman (18) Aleman |
| | 9 | 1/23/2020 | Yes | Yes | 7/17/14 Email handwritten followup notes by Aleman following meeting (22) Aleman |
| | 10 | 1/23/2020 | Yes | Yes | 7/17/14 Email to Aleman by Whyrick (23) re June 2014 Financials Aleman |
| 43 | | 1/23/2020 | Yes | Yes | 4/30/14 Email from Frink to LaRocco re Trae Fuels Cash Report 4/29/14 (2) LaRocco |
| 44 | | 1/23/2020 | Yes | Yes | 2/27/14 Email LaRocco/Donaldson re Pellet & Chip Mill (90) LaRocco |
| 45 | | | Yes | Yes | 6/26/14 Email LaRocco to Aleman w att'd Evaluation of Donaldson (27) LaRocco |
| | 11 | 1/23/2020 | Yes | Yes | 6/26/14 Email Attachment by LaRoco in email to Aleman from LaRocco LaRocco |
| 46 | | 1/23/2020 | Yes | Yes | 6/20/14 Email Whyrick to Donaldson & Frink re Corrected Monthly Report (122) LaRocco |
| 47 | | 1/23/2020 | Yes | Yes | 1/2/14 Email Mills to Donaldson re Jan 2014 Supplier Invoice Entry (10) Stipulation |
| 48 | | 1/23/2020 | Yes | Yes | 2/8/14 Email Mills to Donaldson and Wise re UMB International Wires (13) Stipulation |
| 49 | | 1/23/2020 | Yes | Yes | 3/18/14 Email Mills to Donaldson re Herman Jae Thomas Paycheck (94) Stipulation |
| | | | | | *****END OF EVIDENCE DAY TWO***** |
| | 12 | 1/24/2020 | Yes | Yes | 1/3/14 Email from Mills o Wise re PO Voucher Match (2) Mills |
| | 13 | 1/24/2020 | Yes | Yes | 3/17/14 Email from Mills to Donaldson re Direct & Indirect Labor Costs (4) Mills |
| | 14 | 1/24/2020 | Yes | Yes | 4/14/14 Email from Mills to Whyrick re March 2014 Balance Sheet (7) Mills |
| | 15 | 1/24/2020 | Yes | Yes | July, 2014 Mike Donaldson Report by Mills (26) Mills |
| | 16 | 1/24/2020 | Yes | Yes | 6/5/14 Email from LaRocco to Knoph Whyrick and Nelson re Trae Fuels Update Mills |
| 50 | | 1/24/2020 | Yes | Yes | 6/9/14 Email from LaRocco to Aleman (26) Whyrick |
| | | | | | *****END OF EVIDENCE DAY THREE***** |
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